

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**PIASA COMMERCIAL INTERIORS, INC.,**

**Plaintiff,**

**v.**

**J.P. MURRAY COMPANY, INC., et al.,**

**Defendant.**

**No. 07-617-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is Defendant Fidelity & Deposit Co.'s Motion for Leave to File its Motion for Summary Judgment on Count III of Plaintiff's Second Amended Complaint (Doc. 135). Plaintiff Piasa Commercial Interiors, Inc., opposes the motion (Doc. 139). Defendant Fidelity & Deposit request that it be allowed leave to file its motion for summary judgment. It argues that allowing it to file its motion will not impact the trial in this case as the final pretrial conference has not yet been held and a firm trial date has not been set. Plaintiff opposes the motion, arguing that the dispositive motion deadline was June 22, 2009 and that Defendant Fidelity & Deposit has not provided any basis for its failure to file a timely motion for summary judgment or why it waited nine months to request leave to file a dispositive motion. This Court agrees with Plaintiff. Defendant Fidelity & Deposit does not dispute that the deadline for filing dispositive motions was June 22, 2009. It has provided no basis for its failure to file a timely motion, nor has it explained why it waited nine months after the deadline to seek leave to file its motion. As the dispositive motion

deadline has long since passed and Defendant Fidelity & Deposit has provided no reason for extending that deadline, the Court **DENIES** Defendant's motion for leave to file its motion for summary judgment (Doc. 135).

**IT IS SO ORDERED.**

Signed this 30th day of March, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**